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A SOCIOLOGICAL VIEW OF SOVEREIGNTY.

CHAPTER X.

THE FAMILY.

WE have seen that coercion, when it has been transferred from private to public control, takes on the attributes of order and right, thus becoming sovereignty. The institution which is thus differentiated out from the primitive blending of all institutions is the state. It becomes the supreme institution, because it is looked upon as the proper custodian of the decisive social relation, coercion. In thus emerging from the social mass the state has set off other institutions, based each upon its own peculiar persuasive sanction. The family, originally a coercive institution, becomes the custodian of sexual and filial affection. The church becomes the voluntary association of believers in common worship, based on the sanctions of belief in moral perfection and consciousness of guilt. Industrial property is transformed from slavery and serfdom into free contract and mutual interest. These are the three original institutions from which the state has been differentiated. There are also certain derived and secondary institutions which have sprung up with the free conditions that followed the differentiation of the four original institutions. Those to be especially noted in these papers are political parties and business corporations.

We have found the starting-point of the human family in the patronymic and resulting patriarchate order of society. We are now to analyze more closely the threefold character of the institution—its persuasive beliefs and desires, its material basis, and its coercive organization.

In modern society the family has been differentiated as the custodian of sexual and parental affection. Its persuasive principle is family love. But in its primitive origin we cannot expect to find affection so clearly isolated. It was inextricably blended with ancestor-worship, with the desire to secure a son who should perform the sacrifices on which the happiness of his deceased

father depended, and with the desire for power and success which could be obtained mainly through a large following of wives, sons, daughters, and dependents. The principle which held together this aggregate was in theory the worship of a common ancestor, to whom the aggregate belonged as his private property. The patriarch himself was only the priestly mediator between that ancestral proprietor and the living generation. In practice he was, therefore, the living proprietor, and he exercised direct coercive power over the group by means of physical penalties. It was on this simple basis that the organization of the family was effected. Implicit obedience to one man, the priest-father, provided the unity and centralization needed for survival. The ownership of the material basis of the family—its lands, houses, subsistence, earnings—by this same ancestor, and the unquestioned administration of the same by the living priest-father, placed in his hands also the power of indirect coercion through material penalties, as well as direct coercion through physical penalties. This is the social organization so completely explained by Fustel de Coulanges.

Here was a complete blending of all social institutions and all personal beliefs and desires in a simple centralized group. The theory of its union, however, was blood-relationship traced through male ancestry. Seeing, now, that the struggle for existence requires the increasing size of the group and the monopoly of its organizing principle throughout the social body, the primitive man is met by the fact that blood-relationship is physically limited. He resorts, therefore, to the fiction of adoption and the ceremony of initiation, by which the ancestral blood and worship are transmitted to the new accessions. This applies even to slaves. The organizing principle of blood-relationship, thus fictitiously enlarged, is now capable of indefinite expansion, but a new limit again is reached, namely, the scarcity of land. The Claudian gens which moved to Rome, and certain of the gentes of the Albanians, mentioned by Strabo,¹ numbered as high as ten thousand souls, but it is doubtful whether this number was ever exceeded. If blood is

¹ LIPPERT, *Allgm. Gesch. des Priesterthums*, Vol. II, p. 572.

the basis of union, such basis can maintain monopoly only while the different gentes are separated by wide areas of neutral territory. As soon as increasing population compels confederation or conquest, the blood principle loses its monopoly, and certain of its coercive features are transferred to a larger group composed of the newly combined gentes. The territorial basis is substituted for the gentile basis. Individuals set up new contractual relationships with individuals in other gentes; the family property is broken into by sale and bequest; inheritance becomes a matter of actual blood descent and not of corporate gentile descent; plebeian families enter the social organization without the ancestral worship; clients and serfs become conscious of a class interest cutting across gentile lines,¹ and thus gradually and unknowingly the family lops off its collateral lines, its fictitious members, its serfs and dependents, and is reduced to its modern proportions of husband, wife, and children. The principle of private property, however, still remains as the organizing basis both of the family and of the feudal monarchy which has been differentiated out from the associated families. The monarchy is but one form of private property, and the monarch's property in his wife and children, similar to his property in other objects, is also similar to the property of his subjects. The latter are supreme rulers in the family circle, and the content of the monarch's power is constituted more from the small increments which he has absorbed from the increasingly large number of families under his control, than from the amount of power which he has taken from each. In other words, his power is confined to inter-familial, intertribal, and international relations rather than to the internal control of the domestic institution. Marriage is therefore a private contract. For the weaker member it is a necessity. Married women alone are protected as chattels. Unmarried women are protected by their fathers as chattels. Adultery is a violation of property rights, not a matrimonial offense. Severe punishment is meted to the wife by the husband, and he alone can give a bill of divorce.

¹ FUSTEL DE COULANGES, *La cité antique*, liv. iv.

Up to this point the development of the family and the state had occurred in the realm of empirical self-consciousness. There was no theorizing concerning right and wrong, no investigation, no idealism. The institution was judged solely by results, and was handed down by blind custom and imitation. We are now to notice the way in which the newly formed state, having asserted its superiority, begins to turn upon the family from which it empirically sprang, and to consciously regulate its internal structure by the further extraction of coercive features.

The earliest interference with private domestic control in Anglo-Saxon history was undertaken by the church. The church, not yet separated from the state, employed the coercive sanctions of the latter to enforce its decrees. Under the ecclesiastical laws of Theodorus and Edmund marriage was made a sacrament, polygamy was prohibited, the wife's consent was made a condition to marriage, as against sale by her parents; the bridegroom was required to give pledges for her protection, and she was granted the right of divorce.¹ By these laws the prospective state began to use its coercive sanctions to regulate the family in the interests of right as conceived by the church. The succeeding triumph of feudalism subordinated certain of these marriage rights of the higher tenants in the interests of the feudal proprietors, but at the same time it elevated the slaves through serfdom and settled habitation to the rights of marriage. Not until the practical separation of church and state through the annulment of the sacramental character of marriage following the Reformation, and the innovation of parliamentary divorce in 1687, did the way open for the unequivocal interference of sovereignty in the family on the ground of its social importance. Finally, under the influence of nineteenth-century theories of the "rights of man," the legislature extracted from the head of the family so many incidents of private property in his wife that the structure of the state itself received a new differentiation in order to manage specifically this new access of sovereignty. Ecclesiastical courts and parliament were dispossessed of their judicial control over marriage and divorce, and this was

¹ See A. R. CLEVELAND, *Woman under English Law* (London, 1896).

transferred to the civil courts. Under these sovereign regulations the position of the wife has been advanced from "honorable servitude" to companionship and partnership. She is granted divorce, not only on account of adultery, but on account of cruelty and desertion; she has a right to independent industry, to the ownership of property, to political suffrage, to the possession of her children. The family, thus, through the extraction of the coercive sanctions, ceases to be a coercive institution and becomes a persuasive institution based on its own peculiar sanction of love. Society has here branched out into two institutions, the one based on coercion and the other on sexual love. The coercive institution has taken to itself nearly all that pertains to the structure and organization of the family. Organization, as we have seen, was based on the control of the coercive penalties, the power to punish, reward, promote, discharge, deprive; and in extracting these penalties from the family the state becomes itself, as it were, the structure, with its legislative, judicial, and administrative organizations adapted for sustaining order and right, and in this structure the family proper lives. The vital principle of the family thus environed is not coercion, but affection. Affection is a purely psychic relation, whereas coercion depends on the control of external means. The family, thus deprived of these external props, is itself exalted to a clarified psychic principle and calls out, through mutual persuasion, in the individual characters of its partners those personal qualities and charms which strengthen, deepen, and ennoble the passion itself.

In so far as there still remains an element of external dependence of the weaker and less privileged sex upon the stronger, there still remains an element of the original coercion which characterized the family. Polygamy, the direct control of women through coercive corporal sanctions, has been eliminated, but prostitution, the indirect control of women through the privative sanctions springing from control over their means of subsistence, has taken its place, and is, equally with the family, its legal successor. Such direct inquiries as have been made seem to show that in but a small proportion of prostitutes is

mere lust the basis of their life; it is rather their situation of dependence, whether from physical or from social and legal subjection, that has led to their acceptance of the wage-system of the family. It may be that this dependence can never be eliminated, as was polygamy. It shows itself, not only in prostitution, but also in many families, where marriage is contracted and maintained for the sake of support as well as affection.

The *patria potestas* covered also the children as the property of the father, including the power of sale and exposure. This was later restricted in Anglo-Saxon times by the marriage laws requiring the consent of the daughter, and by the general laws against homicide. The children were protected by the church and religion. In recent times, however, the social importance of training for citizenship and the higher ideas of human rights have led to compulsory education, factory legislation, and child-saving laws, which recognize rights of children against their parents, even to the extent of coercively finding them a new home. In the adoption of these laws and the administrative provisions for their enforcement the state has become a larger institution through the abstraction of important incidents from private property in the family, and the governmental structure has been correspondingly increased with newly devised machinery of coercion formerly controlled by the head of the family. The public-school system is held in law to be a branch of the family, the teachers and authorities standing *in loco parentis*; yet this system is at the same time a branch of the state. The state has here interfered in the private ordering of the household by taking the child from its parents for one-third of its waking hours, and has introduced order and system into the training of children, together with the assertion of rights on their part. The family becomes thereby less a coercive institution, where the children serve their parents, and more a spiritual and psychic association of parent and child based on persuasion. A more searching interference on the part of the state, together with a new set of governmental organizations for its enforcement, is found in the boards of children's guardians, the societies for the prevention of cruelty to children, orphans' asylums, state

public schools, with their investigating and placing-out agents, empowered under supervision of the courts to take children away from parents and to place them in new homes. A large part of the unlimited coercion of the *patria potestas* is here extracted from the family and annexed to the peculiar coercive institution where it is guided by notions of children's rights, and all families are thereby toned up to a stronger emphasis on persuasion as the justification of their continuance.

CHAPTER XI.

THE CHURCH.

The church may be looked upon as both an original and a derived institution. As original, it belonged to the segmentary form of society, the blood-relationship of communicants, the empiric stage of self-consciousness, and the ethnic stage of religious belief. As derived, it appeared in the organic or territorial form of society, the contractual relationship of individuals, the reflective stage of self-consciousness, and the ethical stage of religious belief. We are to inquire now into the threefold character of this institution—its persuasive motive, its material basis, and its coercive organization. The psychic basis of the church we name religion. The church itself is the organization which grows up about religious belief in the struggle for existence. The material basis is the social products, which, being reduced to private property, constitute the material penalties which support organization.

What is exactly the peculiar psychic principle of religion? Sociology must answer this question somewhat more narrowly than philosophy and psychology. Professor Baldwin,¹ summarizing current theories, reduces the factors of religion to two: the feeling of *dependence* and the feeling of *mystery*. Sociology, having the definite problem of social relations and social organization in mind, must narrow this description so as to imply its social bearings. It is but a particular deduction from Baldwin's generalized terms if we describe the religious motives as the belief in moral perfection and the consciousness of guilt. From the

¹ *Social and Ethical Interpretations*, p. 327.

belief in a morally perfect invisible ruler originated the belief in order and authority. These found expression in the customs and ceremonial laws of primitive man, and in the political authority which always claimed divine sanction. From this sprang the first conception of the moral right of property, as distinguished from the legal right. The latter did not appear until the reflective stage of society and the emergence of the state. The former was its precursor, and could not have gained respect in the minds of men without religious sanction and support. Felix holds, indeed, that the very concept of private property was religious in origin.¹ At the death of a proprietor his belongings were sacrificed that they might accompany him beyond. To the gens and its patriarch, as the administrator of the ancestor, the property which was not sacrificed was held in usufruct, and not of private right. To the deities primitive man yielded in sacrifices a large part of his belongings, without material or physical coercion. The discovery and punishment of thieves belonged to the deities as the protectors of property. In this way the religious sanctions, which are purely persuasive in character, were diffused throughout the entire life of man and served to vivify each new institution as it began to emerge in the form of private property. In ethical religions, especially Christianity, for ceremonial observances is substituted the law of love in the heart toward God and man. The belief in perfection is turned from outward imitation to inward reflection, and remains as before a psychic principle evoked, not by coercion, but by persuasion.

The consciousness of guilt is the counterpart of the belief in moral perfection. Lippert has shown² that it is upon the foundation of sacrifice that priesthood is erected. The priest is not teacher nor preacher. He rather is often arrayed against these. His duty is that of administering and giving efficacy to sacrifices. The need of sacrifice follows from the consciousness of guilt, which everywhere holds sway in the human breast. The evils, misfortunes, and sufferings of life, as well as torments following

¹ FELIX, *Der Einfluss der Religion auf die Entwicklung des Eigenthums* (Leipzig, 1889), p. 7.

² *Allg. Gesch. des Priesterthums* (Berlin, 1884).

death, are held to be penalties inflicted by deities whose commands have been rejected or neglected. From these evils men must be saved by propitiating the deity concerned. In the empiric period the disobeyed commands were the customs and ceremonies; the means of propitiation were the animal and food sacrifices which the offended deity could enjoy. Here we discover the first material basis of religion, the sacrifices. He who alone could make the sacrifices acceptable to deity, whose word and touch could alone make them sacred, must needs, through them as a material basis, gain control over the believers. Add to this the power over fetiches and medicines which he possessed, and we have the material products whose production by the sacred labor of the priest and whose private ownership by him furnish the basis for the growth of a hierarchy with coercive control over the community. If it should ever come that popular faith in these material products thus monopolized by the priesthood should fail, then they would lose their value for want of demand, and the entire structure of coercive control would fall. This was the work of Jesus. For animal sacrifice he substituted his own death. Here no priest was needed, for no material sacrifice was demanded. The believer laid hold on forgiveness of sin and salvation from evil, solely by faith in Christ. He became his own "high priest." Had this been the only inference and practice which could have been drawn from the teachings of Jesus, it is difficult to see how there could have followed the organized church with its masterly discipline and subordination. Each believer would have come directly to God without intervention of priest or material sacrifice.

But Christ had left with his disciples certain observances which, under later beliefs, came to be looked upon as sacraments, and therefore as under the control of priests. These were especially the supper, the baptism, and the laying on of hands.¹ Initiation into the body of believers was celebrated by the former two, and the transmission of the sacred offices and healing of diseases by the latter. There were originally no priests, because no sacrifices. The presbyter was the presiding member of the

¹ LIPPERT, Vol. II, p. 643.

local community ; the deacon, the poor officer, having disposal of the common funds ; the "episcopus" was "overseer ;" the apostles were teachers. Later the communion became a symbol instead of a common meal ; the bread and wine became the very body of Christ, made so by the word and touch of the priest ; excommunication became deprivation of Christ's forgiveness for guilt, and later, with the church's wealth and political power, it even deprived the subject of property and subsistence. With the introduction of relics and sacred places where temples and convents were built, those who were put in charge exercised power over the superstitions of the people. Believers, desiring forgiveness for their souls, contributed gifts, and the introduction of wills opened the way for bequests, until one-third of the land of Europe was in the hands of the church. Tithes, immunity from taxation, the seizure of judicial and legislative functions in the absence of a constituted monarchy or state, the celibacy of the clergy, made the church the wealthiest corporation of the time. Its material equipment now was twofold in character. First, religious, such as the eucharist, relics, and sacred places, whose value depended on the faith of believers ; second, industrial, such as lands and vested incomes, whose value depended upon the bodily wants of mankind. In both cases scarcity was a necessary decisive condition of value ; but in the first case the demand, existing in the mind alone, was liable to vanish with changes of belief ; while in the second the demand, existing in the bodily wants of the masses, was certain to increase with the growth of population. In either case, while demand and scarcity played together, these material products were the valued objects of private appropriation and the basis of organization. We are now to notice briefly the steps that led to monopoly and centralization.

Originally each local community of worshipers elected its presbyter, episcopus, deacons, and other leaders. But induction into office required the sacred apostolic succession, and laying on of hands. Here was the germ of the power that ultimately crowded out local election and substituted centralized appointment. Centralization then centered about the see of Rome

because of the abundance of its relics and because it was the seat of the apostle Peter. The beliefs of the people gradually made the bishop of Rome the head of the church. In his hands was centered the control of the church's property, with the resulting privative and remuneratory sanctions, backed by material penalties and rewards. Appointment, promotion, and removal of the priests throughout Christendom came from Rome. Excommunication became exclusively the pope's weapon, with its unparalleled sweep of spiritual and material penalties. Finally, trials and punishments for heresy, conducted by the pope's subordinates, added to his power the physical penalties of death and bodily suffering.

We have here again the universal law of monopoly and centralization, enforced by necessity and the struggle for existence. The religious teachings of Christ, love of God and man, meekness, self-sacrifice, devotion to law, order, and property rights, showed themselves in the martyrs of the early church, but the results were not commensurate with the sacrifices. There was the wastefulness, the loss of energy, which follows lack of organization. With the barbarian invasions, with a rude people needing discipline, the church required unity and energy, and the insignia of the same, pomp and wealth. Only with the discipline of organization and the wealthy material basis therefor could even those meek, persuasive qualities of Christ's religion, apparently so opposite, hope to survive and pervade society.

But monopoly, when once attained, is prone to exalt its material basis above its persuasive principles, and the interests of its hierarchy above the interests of the community. Organization should be perfected for struggle, not for gathering the fruits of victory. A continuation of the methods of competition now becomes aggrandizement instead of public service. The community had been educated by the church and by the forces that followed on its path, up to the point where it became equipped with the persuasive susceptibilities which constituted the church's mission. The community was now developing a crude state consciousness, whose essential qualities are that respect for law, order, authority, property, and moral

right which the church had fostered, but which the church's aggrandizement now threatened to suppress. This state consciousness became concrete in the person of the emperor and the king. In the century of the Reformation two lines of evolution lay open to Europe. Either the church should become wholly sovereign and the state its coercive instrument, or the state should be sovereign and the church one of its subordinate institutions. The former was the path of India, the latter the path of Europe. In the contest of the century the church became the opponent of the very qualities it had fostered; no longer a supporter, but a destroyer of authority; not a peacemaker, but an inciter of war and insurrections; not a guardian of security, but a source of universal unrest through persecution of heretics and witches; not the supporter of law, but its violator; not the defender of the poor, but their oppressor; and always the disturber of property relations.¹ The decisive steps of the contest by which the church was subordinated were the following: First, the loss of popular faith in transubstantiation, relics, sacred places, and clergy. The supply of relics had been so largely increased through the enterprise of competing monasteries that their value materially depreciated, and ultimately disappeared. Second, secularization of lands and treasures; statutes of mortmain. By the foregoing measures the material basis of the organization was drawn from under the feet of the priest proprietors. Third, appointment of clergy by the king. This measure substituted the king for the pope as the head of the church, and later, through cabinet government and responsibility to parliament, the people were taken into partnership within the religious organization, with a voice in determining its will. Fourth, toleration acts; acts removing disabilities from dissenters, Catholics, Jews; acts incorporating dissenting congregations and legalizing their holdings; acts legalizing affirmations as well as oaths; and, in the United States, the disestablishment of the church by the exclusion from public taxes. By these acts ethical principles, securing the right

¹ FELIX, *Der Einfluss der Religion auf die Entwicklung des Eigenthums* (Leipzig, 1889), p. 386.

to free belief and expression of opinion, were introduced into the structure of religion. The state, by extracting the coercive sanctions from the priesthood, constituted itself the structure within which the religious principle operates. In these and other ways the religious motive has been separated out from dependence on external sanctions and penalties, and has been compelled to rely upon its own peculiar psychic and persuasive sanctions. No longer able to enforce its doctrines through coercion, the church now seeks converts through preaching, conversion, and persuasion. The religious revivals of both Protestantism and Catholicism of the past one hundred and fifty years, the missionary societies, the charitable and reformatory work of the church, are witness to the increased emphasis and deepening of the religious principle when once differentiated in its own proper institution. The state, through its laws of property and its creation of ecclesiastical corporations, determines the coercive structure and organization within which the spiritual life of religion moves and breathes. By thus insuring to all believers certain partnership rights in the external means and machinery of worship, and removing therefrom the individual caprice of a priesthood, the state has freed religion from the supremacy of those who rise by mere diplomacy, shrewdness, and manipulation of church machinery, and has transferred it to those whose spiritual and personal preëminence commands in its own right the devotion and coöperation of the community of believers. The spiritual defect in all combinations of church and state has been the dominion of the priest and the ostracism of the preacher and teacher. The church as a purely persuasive institution is the field for the gifts of the preacher.

The state has increased its bulk and complicated its structure by the increments of coercion extracted from the church. The confiscation of monasteries, the secularization of charities, the rise of direct taxation, ecclesiastical laws adjudicated and enforced, all have occurred as a result of the transference of dominion from the private control of ecclesiastics to the public control of those who share in sovereignty.

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[*To be continued.*]